

## Speech of the Chief Justice

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The following is the address by the Hon Chief Justice Andrew Kwok-nang Li at the Ceremony for the Admission of the New Senior Counsel today (May 20):

On behalf of all my colleagues on the Bench, I would like to extend a warm welcome to all of you to this annual ceremony for the appointment of Senior Counsel.

We would like to extend to you, Mr Tse, Ms Tam, Mr Mok, Ms Wong, Mr Coleman, Mr Jonathan Harris and Mr Paul Harris, our sincere and heartiest congratulations on your achieving the rank of Senior Counsel.

Through years of hard and dedicated work, you have achieved this eminent rank. Your appointments are hard earned and well deserved. This marks the end of a stage in your professional life's journey and at the same time ushers in a new and challenging stage. It is important to recognise it as such. In this new stage, the work you will be undertaking and the responsibilities involved will be much more demanding and onerous. The striving for professional excellence should never cease. I am confident that you will continue to develop so as to realise your full professional potential.

Throughout your career, each of you must have enjoyed great encouragement and unstinting support from your family who had to make allowances and sacrifices. Your family's devotion and loyalty must have played a crucial part in your success. Today, they must be very happy and they have every justification to be extremely proud of you. To them, we also wish to extend our warmest congratulations.

The experience and expertise of the seven new silks cover virtually the entire range of legal practise in both the civil and the criminal areas. These appointments would add depth and strength to the senior Bar. The number of silks appointed this year is the highest number made in any year since July 1997. With 14 applications, this represents a success rate of 50% compared to the overall success rate of 43% taking the last nine years together.

With these seven appointments, the total number of practising Senior Counsel stands at 78, representing about 8% of the total size of the Bar. Of the 78 silks, 44 have been appointed since 1997.

Since 1997, the appointment of Senior Counsel has been made by the Chief Justice under statute. Extensive consultation is undertaken before decisions on appointment are made. By statute, the power to appoint is only exercisable after consultation with the Chairman of the Bar Council and the President of the Law Society. They in turn consult widely before giving me their views. I undertake wide consultation within the Judiciary. And I also consult the Secretary for Justice. I wish to express my gratitude to all concerned for their assistance in the consultation process.

The rank of Senior Counsel is a badge of honour and a mark of distinction. It commands a status at the top of the legal profession which is well recognised and respected by the profession, the courts and the community. Senior Counsel, as leaders of the profession, have a crucial role to play in maintaining the highest professional standards and in shaping the future of the Bar.

As to the maintenance of the highest professional standards, it must be strongly emphasised that the advocate plays a pivotal role in our courts. The administration of justice depends to a large extent on the confidence which judges at all levels of court could repose in the competence and integrity of the advocates appearing before them. Whilst fearless in advancing their client's cause, advocates must discharge in full their duties to the court. Judges expect and have a right to expect that submissions made by advocates relating to law and the evidence are well considered and are justified by the authorities and the evidence. Where a point cannot be respectably taken, it is the duty of counsel not to advance it whatever may be the wish of the client.

As to shaping the future of the Bar, the Bar will continue to face many interesting challenges in the years ahead. These include participating in the review of criminal legal fees; coping with the implementation of Civil Justice Reform; considering the question of rights of audience for solicitors on which the Judiciary's Working Party will shortly be issuing a consultation paper; adapting to alternative dispute resolution methods, including mediation which is fast developing in many jurisdictions; improving and enhancing the standards of entrants and practitioners; ensuring the maintenance of the Bar's good reputation by the enforcement of strong ethical standards; and ensuring access to legal advice and justice by all.

The Bar must, and must be seen to, deal with these issues from the perspective of what is best in the public interest. As leaders of the Bar, Senior Counsel have a responsibility to ensure that these challenges are successfully met by the Bar.

The practise of law is getting increasingly commercialised and treated as a business. But in spite of commercial pressures, the legal profession is and must remain a honourable profession with enduring values and ideals. In rapidly changing times, it is all

the more important that the profession led by its leaders should hold steadfast to these values and ideals to ensure justice for all citizens in a open and free society.

With these remarks, on behalf of the Bench, I wish the seven of you every happiness and success in your careers as Senior Counsel.

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